THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.17346 of 1997

DATED: 28-2-2007

Between:

Kandula Rajesham

… Petitioner.

And

The Industrial Tribunal-cum-Labour Court, Godavarikhani.

And others.

… Respondents.

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.17346 of 1997

ORDER:

This writ petition is filed questioning the action of the respondent in not reinstating the petitioner in pursuance of the award dated 1.1.1994 made in I.D.No.6 of 1991 by the Industrial Tribunal-cum-Labour Court, Godavarikhani.

It is not in dispute that the Labour Court while confirming the findings of misconduct on the part of the petitioner rendered in the disciplinary proceedings by the respondents, however interfered with the imposition of penalty of removal from service imposed on the petitioner and in stead the petitioner was directed to be reinstated as fresh conductor subject to certain conditions mentioned in the award. One such condition was that the petitioner shall approach the respondents within 60 days of publication of the award with a request to issue order of appointment. The petitioner however approached the respondents on 15.6.1994 while 60 days time granted by the labour Court expired on 11.4.1994. On the ground of delay in approaching them, the respondents declined to issue appointment order to the petitioner. Aggrieved by the said action, the present writ petition is filed.

This Court while admitting the writ petition granted interim

directions on 3.9.1997. In compliance with the interim direction the Regional Manager of APSRTC, Adilabad issued office order dated 25.9.1997 whereby the petitioner was reinstated into service pending disposal of the writ petition.

None appears for the respondents and no counter affidavit has been filed.

The petitioner has given sufficient reasons in the affidavit filed in support of the writ petition for his not approaching the respondents within the time prescribed by the Labour Court. In the absence of any counter affidavit controverting these allegations, I have no reason to disbelieve the reasons mentioned in the affidavit as constituting delay in approaching the respondents.

Under these circumstances and having regard to the further fact that the petitioner has already been reinstated in terms of the interim order granted by this Court, the writ petition is disposed. The petitioner's services shall not be terminated merely on the ground of delay in his approaching the respondents with a request to issue appointment order as fresh conductor.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.NAGARJUNA REDDY,J

Date:28.02.2007
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